



United States Environmental  
Protection Agency  
Washington, DC 20460

# Interagency Agreement

## Amendment

### Part 1 - General Information

1. EPA IAG Identification Number  
DW-96-94213101 - 0

2. Other Agency IAG ID Number  
96

3. Type of Action  
New

4. Funding Location by Region  
EPA R2

5. Program Office  
Abbreviation  
Region 2

6. Name and Address of EPA Organization  
US Environmental Protection Agency  
Emergency and Remedial Response Division  
290 Broadway  
New York, New York 10007-1866  
DUNS: 029128894

7. Name and Address of Other Agency  
Corps of Engineers-Omaha District HTRW CX  
12565 West Center Road  
Omaha, NE 68144-3869  
DUNS: DOD9623AC

8. Project Title and Description  
Cornell-Dubilier Electronics (Capacitor Disposal Area), OU2, Superfund Site, RA  
Remedial Action of OU2 remedy (Capacitor Disposal Area) at the Cornell-Dubilier Electronics Superfund Site, South Plainfield, New Jersey

9. EPA Project Officer (Name, Address, Phone Number)  
Vince Pitruzzello  
Emergency and Remedial Response Division  
290 Broadway  
New York, NY 10007-1866  
212-637-4354

10. Other Agency Project Officer (Name, Address, Phone Number)  
Marvene L. Seaman  
USACE, HTRW-CX  
12565 West Center Road  
Omaha, NE 68144-3869  
402 697-2425

11. Project Period  
09/30/2007 to 12/31/2009

12. Budget Period  
09/30/2007 to 12/31/2009

13. Scope of Work  
This agreement obligates \$5,252,052 to the U.S. Army Corps of Engineers-New York District for remedial action of OU2 remedy (Capacitor Disposal Area) at the Cornell-Dubilier Electronics Superfund Site, South Plainfield, New Jersey (EPA ID#: NJD981557879). The USEPA and USACE will utilize the Direct Cite and Revised Reimbursement methods as follows:

Revised Reimbursable	\$ 780,552
Direct Cite	\$4,471,500
	<u>\$5,252,052</u>

See Attachment A for a detailed Scope of Work and Attachment B for the Special Conditions.

Pietro Mannino is the EPA RPM and he can be reached at (212) 637-4395.  
EPA Grants Specialist for this IAG is John Owen 212-637-3415

14. Statutory Authority for Both Transfer of Funds and Project Activities  
CERCLA: Secs. 105(a)(4) & 115; Executive Order 12580 as amended

15. Other Agency Type  
Federal Agency

Funds	Previous Amount	Amount This Action	Amended Total
16. EPA Amount		\$5,252,052	\$5,252,052
17. EPA In-Kind Amount			\$0
18. Other Agency Amount			\$0
19. Other Agency In-Kind Amt.			\$0
20. Total Project Cost		\$5,252,052	\$5,252,052

### 21. Fiscal

Site Name	DCN	FY	Approp.	Budget Org.	PRC	Object	Site/Project	Cost Org.	Obligation
CORNEL.	HE0283	2007	T	2AD0R	302DD2C	2507	02GZRA02	C005	5,000,000
CORNEL.	HE0284	2007	TR1	2AD0R	302DD2C	2507	02GZRA02	C005	252,052
									5,252,052

246746



**Part II - Approved Budget**

EPA IAG Identification Number

DW-96-94213101 - 0

**22. Budget Categories****Itemization of  
This Action****Itemization of Total Project  
Estimated Cost to Date**

(a) Personnel	\$262,208	\$262,208
(b) Fringe Benefits	\$138,970	\$138,970
(c) Travel	\$0	\$0
(d) Equipment	\$0	\$0
(e) Supplies	\$0	\$0
(f) Procurement / Assistance	\$4,471,500	\$4,471,500
(g) Construction	\$0	\$0
(h) Other	\$94,538	\$94,538
(i) Total Direct Charges	\$4,967,216	\$4,967,216
(j) Indirect Costs: Rate <u>71%</u> Base <u>\$401,178.00</u>	\$284,836	\$284,836
(k) Total (EPA Share 100.00 %) (Other Agency Share 0.00 %)	\$5,252,052	\$5,252,052

23. Is equipment authorized to be furnished by EPA or leased, purchased, or rented with EPA funds? ☐ Yes ☒ No

(Identify all equipment costing \$1,000 or more)

24. Are any of these funds being used on extramural agreements? (See Item 22f.) ☒ Yes ☐ NoType of Extramural Agreement ☐ Grant ☐ Cooperative Agreement ☒ Procurement

Contractor/Recipient Name (if known)	Total Extramural Amount Under This Project	Percent Funded by EPA (if known)
TBA	4471500 Total. \$ 4,471,500.00	100

**Part III - Funding Methods and Billing Instructions**

(Note: EPA Agency Location Code (ALC) - 68010727)

25. ☒ Disbursement Agreement

☒ Repayment ☐ Advance

☐ Allocation Transfer-Out

Request for repayment of actual costs must be itemized on SF 1080 and submitted to the Financial Management Office, Cincinnati, OH 45268-7002:

☒ Monthly ☐ Quarterly ☐ Upon Completion of Work

Only available for use by Federal agencies on working capital fund or with appropriate justification of need for this type of payment method. Unexpended funds at completion of work will be returned to EPA. Quarterly cost reports will be forwarded to the Financial Management Center, EPA, Cincinnati, OH 45268-7002.

Used to transfer obligational authority or transfer of function between Federal agencies. Must receive prior approval by the Office of Comptroller, Budget Division, Budget Formulation and Control Branch, EPA Hdqtrs. Forward appropriate reports to the Financial Reports and Analysis Branch, Financial Management Division, PM-226F, EPA, Washington, DC 20460.

26. ☐ Reimbursement Agreement

☐ Repayment ☐ Advance

☐ Allocation Transfer-In

Funding Agency's Treasury Symbol 68/20X8145 ☐ One-Year ☐ Two-Year ☒ No-YearOther Agency's IAG Identification Number  
96EPA Program Office Allowance Holder/Resp. Center No.  
27

Other Agency's Billing Address (include ALC or Station Symbol Number)

Other Agency's Billing Instructions and Frequency

**Part IV - Acceptance Conditions**

EPA Identification Number

DW-96-94213101 - 0

**27. General Conditions:**

The other agency covenants and agrees that it will expeditiously initiate and complete the project for which funds have been awarded under this agreement.

**28. Special Conditions (Attach additional sheets if needed)****Part V - Offer and Acceptance**

**Note:** 1) For Disbursement actions, the agreement/amendment must be signed by the other agency official in duplicate and one original returned to the Grants Administration Division for Headquarters agreements or to the appropriate EPA Regional IAG administration office within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. The agreement/amendment must be forwarded to the address cited in item 29 after acceptance signature.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time may result in the withdrawal of offer by EPA. Any change to the agreement/amendment by the other agency subsequent to the document being signed by the EPA Action Official, which the Action Official determines to materially alter the agreement/amendment, shall void the agreement/amendment.

2) For Reimbursement actions, the other agency will initiate the action and forward two original agreements/amendments to the appropriate EPA program office for signature. The agreements/amendments will then be forwarded to the appropriate EPA IAG administration office for acceptance signature, on behalf of the EPA. One original copy will be returned to the other agency after acceptance.

**EPA IAG Administration Office (for administrative assistance)****EPA Program Office (for technical assistance)****29. Organization/Address**

US EPA R2  
Grants and Contracts Management Branch  
290 Broadway  
New York, New York 10007-1866

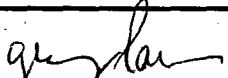
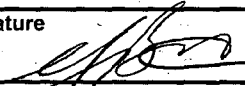

**30. Organization/Address**

US Environmental Protection Agency  
Region 2  
Emergency and Remedial Response Division  
290 Broadway  
New York, NY 10007-1866

**Certification**

All signers certify that the statements made on this form and all attachments thereto are true, accurate, and complete. Signers acknowledge that any knowingly false or misleading statements may be punishable by fine or imprisonment or both under applicable law.

**Decision Official on Behalf of the Environment Protection Agency Program Office**

31. Signature 	Typed Name and Title George Pavlou, Director Emergency and Remedial Response Division	Date 9/13/07
<b>Action on Behalf of the Environment Protection Agency</b>		
32. Signature 	Typed Name and Title Donna J. Vizian, Assistant Regional Administrator for Policy and Management	Date 9/13/07
<b>Authorizing Official on Behalf of the Other Agency</b>		
33. Signature 	Typed Name and Title Stuart Piken, Deputy District Engineer for Project Management	Date 9/19/07

## **ATTACHMENT A**

### **Scope of Work for Remedial Action Activities Excavation of Capacitor Disposal Area**

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**Site**                    Cornell-Dubilier Electronics, South Plainfield, Middlesex County, New Jersey.

**Site ID**                NJD981557979

#### **Purpose**

The purpose of this interagency agreement (IAG) is to obtain assistance from the U.S. Army Corps of Engineers (USACE) for implementation of the remedial action for the soil component of Operable Unit 2 at the Cornell-Dubilier Electronics (CDE) Superfund site. This IAG will require the USACE to procure the services of a remedial action contractor to perform the excavation of the capacitor disposal area (CDA) located at the former CDE facility. The IAG will require the USACE to supervise the implementation of the excavation and off-site disposal of the soil and debris from the CDA.

#### **Background**

The Cornell-Dubilier Electronics (CDE) site is located at 333 Hamilton Boulevard, South Plainfield, Middlesex County, New Jersey. The former CDE facility, now known as the Hamilton Industrial Park, consists of approximately 26 acres containing 18 buildings that are currently used by a variety of commercial and industrial tenants.

CDE operated in South Plainfield from 1936 to 1962, manufacturing electronic components including, in particular, capacitors. Polychlorinated biphenyls (PBS) and chlorinated organic solvents were used in the manufacturing process, and the company apparently disposed of PCB-contaminated materials and other hazardous substances directly on the facility soils. CDE's activities evidently led to widespread chemical contamination at the facility, as well as migration of contaminants to areas adjacent to the facility. PBS have been detected in the groundwater, soils and in building interiors at the industrial park, at adjacent residential, commercial, and municipal properties, and in the surface water and sediments of the Bound Brook. High levels of volatile organic compounds (VOCs) have been found in the facility soils and in groundwater.

EPA has divided the site into four operable units (OUs). OU1 addresses residential, commercial, and municipal properties located in the vicinity of the former CDE facility. OU2 addresses the contaminated soils and buildings at the former CDE facility. On September 30 2004, EPA signed a ROD to address OU2. Additional operable units will address the contaminated groundwater (OU3) and sediments of the Bound Brook (OU4).

## REMEDY

The remedy for the Site was selected in a September 2004 Record of Decision. The major elements of the selected remedy for the soil component of the OU2 remedy include:

- excavation of an estimated 107,000 cubic yards of contaminated soil containing polychlorinated biphenyls (PBS) at concentrations greater than 500 ppm and contaminated soils that exceed New Jersey's Impact to Groundwater Soil Cleanup Criteria (IGWSCC) for contaminants other than PBS;
- on-site treatment of excavated soil amenable to treatment by low temperature thermal desorption (LTTD), followed by backfilling of excavated areas with treated soils;
- transportation of contaminated soil and debris not suitable for on-site LTTD treatment to an off-site facility for disposal, with treatment as necessary;
- excavation of an estimated 7,500 cubic yards of contaminated soil and debris from the capacitor disposal areas and transportation for disposal off site, with treatment as necessary;
- installation of a multi-layer cap or hardscape;
- installation of engineering controls;
- property restoration; and
- implementation of institutional controls.

This SOW only addresses the CDA component of the selected remedy.

A Superfund State Contract (SSC) was executed on August 10, 2007 with the State of New Jersey. The SSC provides assurances, including cost share for the excavation of the capacitor disposal area at the former CDE facility.

## WORK STATEMENT

The USACE will be responsible for providing the work and services necessary to support EPA's RA efforts at the Cornell-Dubilier Electronics site. This support includes the following:

1. Procuring the services of a remedial action contractor to perform the excavation of the CDA at the former CDE facility. This entails the development of the technical statement of work and awarding the contract to a private firm(s). The selected

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contractor(s) shall meet the qualifications and experience requirements for the remedial action activities at the Site.

2. Supervising the contractor's performance of the excavation activities, the remediation activities, and off-site disposal of the soil and debris.

3. Managing the contract for the Cornell-Dubilier Electronics Remedial Action (RA) including any subsequent revisions to the original RA contract award.

4. Assessing submitted Value Engineering Construction Proposals (VECPs) in accordance with the Value Engineering clause in the Federal Acquisition Regulation 52.248.1. USACE shall consult with EPA on any VECP that may affect the site remedy before making any change.

5. Providing oversight and monitoring of construction in coordination with the EPA Remedial Project Manager (RPM) to ensure compliance with all contract requirements. In addition, the USACE will provide weekly updates and meetings on the site to discuss construction progress, problems, or any other pertinent issues.

6. Providing other support as directed by EPA such as technical assistance to include permit compliance, community relations, etc.

7. Reproducing documents.

8. Coordination of technical meetings for the discussion and resolution of comments.

9. Ensuring the deliverables are submitted and approved in a timely manner (RPM will provide submittal date requirements) in order to meet EPA's schedule requirements for remedial action implementation.

10. Conducting final inspection and certification of the completed remedial action in coordination with the EPA RPM.

11. Submitting a Remedial Action Closeout Report complete with all backup documentation.

12. Complying with specific responsibilities as detailed in the Superfund Remedial Design and Remedial Action Guidance.

### **Project Organization**

The EPA Remedial Project Manager for this project is:

Peter Mannino  
U.S. Environmental Protection Agency Region II  
290 Broadway - 19<sup>th</sup> Floor  
New York, NY 10007-1866  
(212) 637-4395



## ATTACHMENT B

### **Special Conditions for Remedial Action IAG**

The USACE agrees to meet the site-specific financial management and recordkeeping responsibilities contained in EPA's "Superfund Financial Management and Recordkeeping Guidance for Federal Agencies" (January 1989).

#### **1. Cost Documentation Requirements**

EPA, acting as manager of the Hazardous Substances Superfund, requires current information on CERCLA response actions and related obligations of CERCLA funds for these actions. In addition, CERCLA, as amended, authorizes EPA to recover from responsible parties all government costs incurred during a response action. In order to help assure oversight and successful recovery of CERCLA funds, both USACE and EPA have responsibilities under this agreement. The USACE accounting system reports must be supported by site - and activity-specific cost documentation. The USACE will organize and retain in a site file documentation of costs by site and activity (e.g. vouchers, billing statements, evidence of payment, audit reports) as follows:

##### **a. Direct Costs**

- Payroll - timesheets or timecards to support hours charged to a particular site, including the signature of the employee and/or the employee's supervisor.
- Travel - travel authorizations (including purpose of trip), local travel vouchers, traveler's reimbursement vouchers, carrier bills (including airline tickets), government owned vehicle bills, appropriate receipts for hotel, car rental, etc., proof of payment. Proof of payment is satisfied by providing a copy of the accomplished SF1166 "Voucher and Schedule of Payment" or equivalent.
- Contractor services - copies of contracts, requests for proposals (RFPs), detailed evaluations of contractor bids, contractor invoices, USACE project officer approvals of invoices, proof of payment. Proof of payment is satisfied by providing a copy of the accomplished SF1166 or equivalent.
- Supplies and Equipment - EPA authorizations to purchase non-expendable property of \$1,000 or more, vendor invoices, proof of payment, and hourly records of equipment use, when applicable.
- Any other direct costs not included in the above categories.

##### **b. Indirect Costs**

If indirect costs are not calculated by the USACE accounting system, a worksheet showing calculations of indirect costs charged to a site will be retained by the USACE.

Under this IAG, the USACE certifies: 1) that any indirect costs included in billings to EPA represent, in accordance with GAO principles, indirect costs that would not have been otherwise incurred by the USACE, or 2) that explicit Congressional authority exists for charging other than incremental costs of performance.

## 2. Reporting Requirements

- a. The USACE will provide monthly progress reports to the EPA Remedial Project Manager (RPM) listed on the IAG form containing:
  - Site Name and IAG Number.
  - Summary of work performed for current period.
  - Estimate of the percentage of the project completed.
  - Accounting of funds expended during the reporting period and on the project to date, which includes budget category cost breakdown.
  - Summaries of all change orders and claims made on contracts during the reporting period.
  - Summaries of all contacts with representatives of the local community, public interest groups, or State government during the reporting period.
  - Summaries of all problems or potential problems encountered during the reporting period.
  - Projected work for the next reporting period.
  - A copy of all certified contractor invoices for contract costs and request for reimbursement (SF 1080) for all USACE cost submitted to the EPA Financial Management Center, Cincinnati, for payment during the reporting month.
- b. The USACE will follow the procedures contained in EPA's OERR Directive, Memorandum 9295.2-04 entitled "EPA/U.S. Army Corps of Engineers Payment Process, Direct Fund Cite/Revised Reimbursement Methods".
- c. USACE will provide a final inventory of property, within one month of the end of the Interagency Agreement performance period, describing the condition of each item. USACE will require all contractors to provide a final inventory of property prior to their final contract payment. If the duration of the project is greater than one year, USACE will provide an annual inventory of all property acquired by or furnished to USACE with EPA funds.

## 3. Cost Recovery

In the event of a contemplated cost recovery action, the USACE will provide to EPA or the Department of Justice (DOJ) a cost documentation package detailing site-specific

costs and including copies of the back up documentation. In some cases, these requests from EPA or DOJ may require that this documentation be provided in less than thirty days. If additional time is required to comply with a request, USACE will negotiate with EPA or DOJ a schedule for responding. USACE will provide EPA with a contact for obtaining necessary site-specific accounting information and documentation.

4. Record Retention Requirements

The USACE will retain the documents described in these "Special Conditions" for a minimum of ten years after submission of a final SF1080 for a site or sites, after which USACE must obtain written permission from the authorized EPA official before disposing of any of the records. USACE will require all contractors entering into cost reimbursable type contracts to establish and maintain cost documentation as described above.

5. Audits

- a. Superfund cost documentation information must be available for audit or verification upon request of authorized auditing agencies.
- b. If an audit determines that any direct or indirect costs charged to EPA are unallowable, EPA will be notified immediately following the resolution of the audit.

6. Financial Closeout

Within six months after completion of remedial action activities, the USACE will send a letter to USEPA Region II Project Officer stating that the project has been completed and provide the total amount of funds utilized and the amount of excess funds to be revoked, if any, in accordance with USACE Engineering Regulation No. 37-5-3.

7. Other EPA Involvement

- a. Payment to USACE contractors is contingent upon receipt of a USACE certified payment request. Reimbursement to USACE for in-house costs is contingent upon receipt of a USACE certified reimbursement request (SF1080). Final project payments for specific contracts and in-house cost shall be reviewed and approved by the EPA Regional program office.
- b. EPA will hold title to all property acquired with Superfund monies. EPA will provide the USACE the property disposition instructions upon termination of the IAG and receive fair-market value for any property disposed of or used for non-Superfund activities.

8. Cost Collection Upon Cancellation

If the Environmental Protection Agency (EPA) cancels the order, the USACE is authorized to collect costs incurred prior to cancellation of the order plus termination costs, up to the total payment amount provided for under the agreement.

9. Minority Business Utilization

In accordance with Public Law 102-389, EPA's policy requires, to the fullest extent possible, that at least 8% of its overall Federal funding for prime and subcontracts awarded in support of authorized programs be awarded to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals, including historically Black colleges and universities and women.

Consistent with this policy, the USACE agrees, in awarding contracts under this IAG, to comply with the utilization requirements for Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs) set forth in the Small Business Act, 15 U.S.C. 631 et seq and the annual Small Business goals negotiated with the Small Business Administration (SBA).

The USACE agrees to submit a report to EPA showing the total amount of procurement dollars awarded and the amount and percentage of such funds awarded to MBEs and WBEs on Forms 6005-3 and 6005-3a by December 15th of the current year. Reports should be submitted to:

Office of Small and Disadvantaged Business Utilization  
U.S. Environmental Protection Agency  
633 3rd Street, N.W. (Mail Code: 1230N)  
Room 8100  
Washington, D.C. 20001

10. Project Specific Conditions

- a. The USACE will invite (with reasonable notice) the EPA RPM to participate in contractor meetings in which scope of the project and/or progress is discussed.
- b. The USACE will invite the EPA RPM to participate in the contractor selection process, as appropriate.
- c. The USACE will have final authority for RA bids, shop drawings and contract modifications (within contingency fund limitations).
- d. The USACE Project Manager will regularly brief the EPA RPM on the current status of the project. Briefings will be monthly unless a different frequency is mutually agreed upon by both project managers. Emphasis shall be placed on project budget, expenditure rates, and schedule.
- e. The USACE personnel and its contractors will have the appropriate safety training and be involved in a medical monitoring program as specified in 29 CFR Part 1910; 51 CFR 45663 - 45675; and Section 125(e) of CERCLA, as amended.
- f. The USACE will furnish to the EPA RPM for their information a Quality Assurance Management Plan.
- g. When conducting work for Region 2, USACE will perform all QA tasks in accordance with R2 QA policies, guidelines, SOPs etc. as opposed to USACE QA procedures. QA Documents submitted to the EPA (i.e., QMPs and QAPPs prepared in accordance with the UFP guidance) will be reviewed by R2 QA staff prior to being approved by the R2 RPM. The USACE is responsible for reviewing and approving any USACE contractor work for consistency with R2 QA requirements. Any guidance referenced herein will be superseded by updates or new Requirements/Guidance as they become available. All QMPs or QAPPs must be reviewed annually and updated/revised once every five years in accordance with the most recent EPA Requirements and approved by the USACE QA Officer or designee (as approved by EPA) prior to submission to EPA for review and approval. EPA may perform periodic USACE Quality System and/or project-related assessments. The most recent Guidance and Requirements can be found at: <http://www.epa.gov/region02/qa/documents.htm>.
- h. All project deliverables will be reviewed by appropriate USACE and EPA personnel within 30 days. Shortened time frames may be appropriate in cases of expedited schedules.
- i. Upon request, the USACE will, in a timely manner, submit to the EPA RPM all final negotiated contracts and contract modifications with budget information.